

1 his -- I haven't, like, reviewed his family  
2 financials.

3           The question was assume that he  
4 could meet the capital requirement. And then  
5 I think in Reiner's report, it took him a bit  
6 to task for it because he was remiss in that  
7 the source of funds, which is a hotly  
8 contested issue with this stuff, and frankly  
9 in years past made E-B5 a little bit hit or  
10 his, meaning hit or miss on how much they  
11 really drilled down on your source of funds.  
12 And it was part of my standard pitch -- or not  
13 pitch -- but my standard caution to clients  
14 was we can do everything right, but if your  
15 source of funds don't line up we're out of  
16 luck. They saw from that considerably. So  
17 that controversy is over.

18           Q.       What was the amount of funds that  
19 you were told to assume Danilo had?

20           A.       I think it was probably more than 2  
21 million. Because just hitting the minimum  
22 requirement oftentimes isn't good enough. If,  
23 you know, they're coming on a business.

24                   But if you want to, you know, start  
25 a business and that would be under -- I was

1     thinking -- under more E-2. Portugal, by the  
2     way, is pending status for E-2 because I'm  
3     looking at that for another Portuguese client.  
4     Hopefully they will be approved as a treaty  
5     investor that is different than what we're  
6     looking at with E-B5.

7                     But really, all he's got to do is,  
8     if he wants to get a green card fast, is  
9     invest in a Tyron International Equestrian  
10    Center.

11            Q.        Would he have to have any role in  
12    the management of that company under E-B5?

13            A.        To a certain extent, yeah. You  
14    know, and that's the stuff about the meetings  
15    and everything that, you know, they're like  
16    these junkets that they go to.

17                     So let me just be careful because  
18    it's the end of the day and I'm maybe getting  
19    a little tired.

20                     My snark -- and I shouldn't be  
21    snarking -- about investor visas is not to do  
22    with the visa category itself. But, I mean, I  
23    work with a lot of deserving immigrants and  
24    the whole concept of your investment on an  
25    equestrian center and you get a green card

1 kind of rubs me wrong. With that said, it's  
2 just the way our broken immigration system is  
3 set up.

4 So, you know, if you're asking me  
5 does this -- is this available, yeah, he's  
6 more than qualified if he's fortunate enough  
7 to have that source of funds.

8 Q. What if he required \$4 million in  
9 medical care and he only has \$2 million?

10 MR. PONVERT: Objection.

11 A. So -- yeah. So it would depend.  
12 Honestly, I would have to see what his  
13 investment is. I don't think -- so I know  
14 you're just throwing out a very general  
15 hypothetical. So I really can't answer that.

16 What you're actually running into is  
17 another question near and dear because the  
18 second circuit just ruled on it, is public  
19 charge. You know, would he be a public  
20 charge? He wouldn't be a public charge  
21 because he's well supported and he has private  
22 insurance and that's really all he has to do  
23 to show.

24 But if his investment is 2 million  
25 into -- well, if he had -- let's just -- I'm

1 giving you a hypothetical of a very real  
2 facility called the Tyron International  
3 Equestrian Center. I mean, it's not really  
4 important because it could be any, but that's  
5 the one I see in my e-mail periodically, you  
6 know, soliciting me to get clients to spend on  
7 money on this thing.

8 No. I don't think it would have  
9 anything to do with it.

10 Q. What do you mean by he would have  
11 private insurance? Is that what you said?

12 A. Yeah. So if you're coming into the  
13 country and you're likely to become a public  
14 charge, basically what they try to do is  
15 disqualify four people, just out of the books  
16 they disqualify four people. But it's  
17 relatively easy to overcome it.

18 If you have an independent source of  
19 medical care, so assuming his medical care was  
20 paid for, you know, and I don't -- actually I  
21 don't know that much about what your lawsuit  
22 is over. But if I assume that his medical  
23 care is paid for, whether -- by whatever  
24 source, then that's not an issue and he's not  
25 a public charge risk.

1                   But if he's able to invest 900,000  
2   in an equestrian center, sure. I mean, he's  
3   not going to be a public charge. Way over the  
4   limit.

5           Q.       But my question is what if his  
6   medical care, he eats up all of those funds?  
7   In other words, he needs 4 million in medical  
8   care and he only has \$2 million?

9                   MR. PONVERT: Objection.

10          A.       I don't -- I'm not trying to be  
11   difficult with your question. I just don't  
12   the think it would affect it. Because the  
13   E-B5 process is you need to show that you can  
14   make that minimum investment.

15                   You got to remember, he may have  
16   this stuff overseas, right, you know, the  
17   obligations. He could even have these  
18   obligations here in the United States. But if  
19   he's able to -- if he's got resources for  
20   it -- you know, it's like apples and oranges.  
21   I don't quite know how to stitch them together  
22   for you.

23          Q.       What if he has major cognitive  
24   disorder, might he be a public charge?

25                   MR. PONVERT: Objection.

1           A.       No, I don't think that would make  
2   him a public charge. That's not what the  
3   public charge is about.

4           Q.       Would he be able to manage an  
5   equestrian center if he had major  
6   neurocognitive disorder?

7                   MR. PONVERT: Objection.

8           A.       Sure. That's the way that program  
9   runs. I mean -- well, let me back up. I  
10   mean, specifically, I think he would -- I  
11   think he would meet the requirements for the  
12   E-B5 for what, you know, is actually required.  
13   But, you know, that's also situational.

14          Q.       Whatever amount of money he has, if  
15   any, that's just something you've been told to  
16   assume, that's not any facts you've seen in  
17   the record or document that you can point to?

18          A.       Correct.

19          Q.       If he gets funds as a gift or an  
20   inheritance, would he have to show some type  
21   of instrument to demonstrate that under E-B5?

22          A.       I'm not -- what do you mean by like  
23   an instrument? You're talking, like, does he  
24   have to show, like, a will or something like  
25   that?

1 Q. Right.

2 A. Well, that gets into a much more  
3 layered conversation about source of funds. I  
4 mean, it's not so much the instrument as  
5 showing, you know, title and benefit, right.  
6 So --

7 Q. So is there a requirement to show an  
8 instrument though? How do you demonstrate the  
9 source of funds?

10 A. You have to document source of  
11 funds. So yes. You have to -- you can't just  
12 fill out an application and say you have the  
13 source of funds.

14 But the reason I'm not, like, trying  
15 to go -- the reason I'm not just sort of going  
16 all over the place with that is it's dependent  
17 upon what the development is, it's dependent  
18 upon how the source of funds are being  
19 provided.

20 I mean, I think I start to really  
21 get into wild speculation, you know, imagining  
22 every possible source of fund, right. Whether  
23 it's inheritance, whether it's whatever,  
24 whether it's inheritance, whether it's  
25 transfer investment. You know what I mean?

1           Q.       Does the source of funds have to be  
2 lawful?

3                   MR. PONVERT:   Objection.

4           A.       Sorry?

5           Q.       Does the source of funds have to be  
6 lawful?

7                   MR. PONVERT:   Objection.

8           A.       I'm not sure what you mean by lawful  
9 source of funds.   He has to show title to it.  
10 I think what you're really getting into is if  
11 he got an RFE, which is known as a request for  
12 evidence and they -- and CIS has suspected  
13 that somehow the funds were not legitimate  
14 funds, it was like drug money or something,  
15 then they would issue an RFE and we would have  
16 to verify that the funds were whatever they  
17 told us they were, right.

18                   But, you know, that's really -- now  
19 you're getting into like really specifics  
20 that's pending an application.   We're talking  
21 about general qualifications?   No.   I don't  
22 think that would necessarily be an issue.   At  
23 least for the filing of it.

24           Q.       Is it more likely than not within a  
25 reasonable degree of immigration law certainty